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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 January 1992, at 10 a.m.

Chairman: Mr. WALKER (Australia)

later: Mr. SOLT (Hungary)

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The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (A/46/65, 286 and 522; E/CN.4/1992/2, 6 and 7)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1992/11 and 12; E/CN.4/1991/14)

1. Mr. KAMAL (Pakistan) said that self-determination was the raison d'être of every nation State and represented the formal expression of the collective will of the people. There were some who professed that the concept of self-determination applied only to nations and peoples that received independence from colonial and alien domination and that, with the end of the colonial era, the concept had lost its relevance. That was not so. Self-determination was a fundamental and inalienable right of all peoples and nations, a right that was inherent and which the passage of time could not change. Accordingly, it had been duly enshrined in the Charter of the United Nations and in numerous United Nations resolutions.

2. Pakistan, which had achieved independence as a result of the exercise of its right to self-determination some 44 years previously, considered it a duty to extend its full support to efforts which would enable people still suffering under colonial or alien domination to exercise that right.

3. Consequently, it was a great tragedy for his country that the 5 million people of Jammu and Kashmir were denied their right to self-determination. The Kashmir dispute stemmed from the non-implementation of the partition principle based on the right to self-determination, in the exercise of which the South Asian subcontinent had been divided in 1947 to create the two independent nations of India and Pakistan. However, India had launched a full-scale military operation in Jammu and Kashmir in 1947 to impose a solution by force. That offensive had been resisted by the people and India had brought the issue before the Security Council in 1948, pleading that Pakistan was responsible for creating disturbances in Kashmir.

4. The Security Council had not endorsed the Indian position and, by its resolution of 17 January 1948, had appealed to the parties to improve the atmosphere and to refrain from doing anything that might aggravate the situation. Subsequently, the Council had established the United Nations Commission on India and Pakistan (UNCIP), directing it to proceed to the area as quickly as possible and investigate the situation. On 21 April 1948, the Security Council had adopted a resolution providing that the future of the State of Jammu and Kashmir should be determined in accordance with the will of the people through a free and impartial plebiscite to be held under the auspices of the United Nations. That decision had been reaffirmed by the UNCIP resolution of 5 January 1949. Those resolutions continued to be valid and operative and India and Pakistan, as parties to the dispute, were bound by them.

5. However, although India had initially agreed to the plebiscite, it had later reneged on its commitment and had argued that Kashmir was an internal Indian problem. Since then it had disregarded various Security Council resolutions and continued to occupy Jammu and Kashmir by force.

6. India's oft-repeated assertion that the people of Jammu and Kashmir had already exercised their right to self-determination had been rejected by Security Council resolutions 91 (1951) and 122 (1957). The fact that less than 5 per cent of the Kashmiri voters had turned out in the 1989 "elections" organized by India was the clearest demonstration of the transparency of the Indian ploy to use those so-called elections to justify its occupation by force of the territory.

7. The Simla Agreement of 1972 between Pakistan and India also acknowledged that a final settlement of Jammu and Kashmir was outstanding. India's contention that, after the Simla Agreement, Pakistan could not raise the Kashmir issue in the United Nations or other international forum was patently misplaced since the Agreement specifically provided that the United Nations Charter should govern relations between the parties. Under the Charter, no nation could be denied its basic right of taking any problem which could threaten peace and security to the world body for its consideration.

8. The people of Jammu and Kashmir who had waited so long for the United Nations and the world community to deliver on its pledge had concluded that enough was enough and had risen in revolt. India had therefore resorted to brutal suppression of the freedom movement, on the one hand, and a massive campaign of disinformation, on the other. The uprising of the people of occupied Kashmir was the manifestation of their desire to free themselves from the shackles of colonial control and autocratic army rule. India had thus, not surprisingly, rejected the proposal made by his delegation in the Commission in 1991 that a neutral fact-finding international team should visit Kashmir.

9. In conclusion, his delegation expressed the hope that the Indian leaders would meet their commitment and realize the futility of attempting to suppress the just aspirations of the Kashmiri people. His Government remained deeply committed to seeking a peaceful settlement of the Kashmir problem on the basis of the relevant United Nations resolutions and in the spirit of the Simla Agreement and would continue to work towards that end.

10. Mrs. FENG Cui (China) said that the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly resolution 1514 (XV), was of great significance. It stated in explicit terms that the subjection of peoples to illegal subjugation, domination and exploitation constituted a denial of fundamental human rights, was contrary to the Charter of the United Nations, was an impediment to the promotion of world peace and cooperation and that all peoples had the right to self-determination.

11. The principles set forth in the Declaration had served to encourage the struggles of many third-world countries to secure or maintain their sovereignty and independence. In that connection, her delegation appreciated the efforts and achievements of the international community to resolve or in resolving the questions of Namibia, Palestine, Cambodia and Afghanistan.

12. The principles contained in the Declaration were still of practical significance and would continue to serve as an important legal basis for countries to safeguard their independence, sovereignty and territorial integrity and defend their economic, social and cultural rights. Recognizing the right of peoples to self-determination meant respecting the sovereignty, independence and territorial integrity of all countries and no Power was entitled to impose its own ideology, values and mode of development on others or to invade, dismember or annex the territory of other countries.

13. Over the past year, encouraging progress had been made on some issues which the Commission had been following. After Namibia had won its independence, the situation in southern Africa had eased still further and the South African people had won a victory in their efforts to combat racist rule. The Afghan question had achieved a political settlement and Kuwait had freed itself from outside occupation and restored its legitimate Government. In the case of Cambodia, after a long and arduous process, an agreement had been reached on a comprehensive political settlement. The Cambodian peace accord was a hard-won victory and complications might emerge in the process of its implementation. It was to be hoped, however, that all the signatories of the accord, particularly the four Cambodian parties, would adopt a sincere and responsible attitude and fulfil their obligations.

14. The Middle East problem had remained unresolved for more than 40 years and the key lay in the Palestinian question. Her delegation had always believed that the question should be resolved politically on the basis of the relevant United Nations resolutions, particularly Security Council resolutions 242 (1967) and 338 (1973), namely, by the return of the occupied Arab territories and the restoration of the legitimate national rights of the Palestinian people. In the meantime, the sovereignty and security of all Middle Eastern countries should be respected and guaranteed.

15. Her delegation, which supported all efforts to facilitate the Middle East peace process, hoped that there would be an early and fair political settlement of the Middle East question. The negotiations initiated at the Madrid Conference might prove an arduous and complicated process, but at least the parties involved in the Middle East quetion were sitting down and talking to each other. Her delegation hoped that the parties concerned would seize the opportunity to achieve a positive solution based on the relevant United Nations resolutions.

16. Mr. Solt (Hungary) took the Chair.

17. Mr. MARKIDES (Cyprus) said that the developments of the past year had amply demonstrated that denial of the right of self-determination could not last for ever and that title from occupation could not be acquired even if the occupation lasted for decades. The reaffirmation of that right in a number of recent cases thus constituted a practical step towards its universal application.

18. As the few who were opposed to the principle of self-determination dared not speak against it, they sometimes created monstrous theories as to the subjects of that right and talked of so-called sui generis situations, in an attempt to deform both the principle and the right to suit their political expediencies.

19. The anti-colonialist struggle waged by dependent and oppressed peoples under alien domination or foreign occupation had given self-determination a new, dynamic content and interpretation and connected that right with the democratic principle of majority rule. Self-determination had been inseparably linked with the national history of most Members of the United Nations and was in full harmony with the principle of non-intervention.

20. From the purely internal point of view, the realization of the right of self-determination was of particular importance because a people as a whole, collectively, by exercising its right to self-determination created, in accordance with its own values and philosophy of life, the basic infrastructure and framework within which to pursue its development and to promote human rights and fundamental freedoms in all spheres of the life of the individual.

21. With regard to the external implications of that fundamental human right, it was essential to note that, by virtue of the exercise of that right, a people as a whole, constituted in an independent and sovereign State, should be able to determine freely its political status or, in other words, its position at the international level.

22. Recent events in Europe and elsewhere had constituted a triumph for both internal and external self-determination. Self-determination did not create artificial walls of division but caused their demolition and he hoped that that would soon be the case all over the world.

23. Owing to its nature and content, the right to self-determination could be misinterpreted. It could be distorted to suit secessionst movements and expansionist aims at the expense of political unity and territorial integrity of independent and sovereign States.

24. Thus, the main international instruments dealing with the right to self-determination and regulating its exercise all referred to the need to ensure the territorial integrity and political unity of independent and sovereign States. They proclaimed as illegal and incompatible with the purposes and principles of the Charter and the standards of international law any action or attempt aimed at partial or total disruption, dismemberment or impairment of the territorial integrity or political unity of independent and sovereign States, under the guise of the exercise of any so-called right to self-determination. It was of course a different matter if external determination was provided for in a particular constitution.

25. Nevertheless, history recorded such attempts to distort the real meaning and content of the right to self-determination. There were cases where ethnic, religious, linguistic or other minorities invoked the right to self-determination in order to establish their own separate entity or State and to secede from an internationally recognized independent and sovereign State. If that were to be permitted under international law, hardly any existing independent and sovereign State could maintain its unity and territorial integrity.

26. It was absurd, therefore, to claim separate self-determination for an occupied part of the territory of a sovereign State, especially a territory from which the majority of the population had been forcibly expelled and to which an alien population had been transferred in violation of international law.

27. Mr. NASIER (Indonesia) said that the right to self-determination was an essential aspect of human rights which must be respected if mankind's legitimate aspirations were to be realized and its development assured. Tragically the Palestinian people had yet to enjoy that freedom. They had persistently been prevented from exercising their inalienable rights in defiance of the principles of international law, the relevant United Nations resolutions and the will of the international community. His delegation was profoundly concerned at the deteriorating human rights situation which the Palestinian people had to endure, as evidenced by a wide range of increasingly repressive measures.

28. Legal norms and procedures were totally disregarded at every level in the occupied Arab territories, resulting in the violation of the most fundamental international legal standards. As was apparent from the reports of the United Nations, human rights groups and others, the Israeli occupation had adversely affected the daily lives of Palestinians in many ways. Israel's expansionist policies inevitably made the return of the occupied territories practically and politically impossible. Moreover, arbitrary detention, curfews, illegal demolition of houses, collective punishment and torture as well as the severe limitation of freedom were the hallmarks of many repugnant aspects of the Israeli authorities' attempt to consolidate their illegal presence.

29. Since the conclusion of hostilities in the Gulf region in 1991, the rights of the Palestinians had been compounded by the crippled economy of the occupied territories, which were already severely restricted by the Israeli authorities. Arab lands had been taken away on numerous pretexts and arbitrarily appropriated through direct seizure or restrictions, with the result that more than 50 per cent of those lands had come directly under Israeli control. Those actions were accompanied by a highly discriminatory economic policy, which had led to a further deterioration in the economic situation and widened the economic gap beween the indigenous and settler populations. It was the younger people that had paid most dearly. Their intellectual development and aspirations for the future had been severely curbed by the prolonged closure of educational institutions for indefinite periods.

30. The administration of justice had also directly contributed to the massive violation of human rights. Two different systems of justice were being applied for Arabs and Jews, with the latter being treated with relative leniency for similar offences. There were no open courts and those arrested and arraigned were informed only of the charges but not of the evidence to be used against them, thus making a mockery of justice.

31. In clear violation of the Fourth Geneva Convention, there had been a number of expulsions and deportations, the victims of which were denied the opportunity to defend themselves against such drastic punishment. The

Security Council had just adopted a resolution which strongly condemned the decision of Israel to deport 12 Palestinian civilians and called upon the occupying Power to refrain from such actions and to ensure the safe and immediate return to the occupied territories of all those deported. The Security Council had also reaffirmed the applicability of the 1949 Fourth Geneva Convention to all the Palestinian territories occupied by Israel since 1967, including Jerusalem.

32. In addition to Commission resolution 1991/6, which again called upon Israel to comply with its obligations under the United Nations Charter to withdraw from Palestine and other occupied Arab territories, other efforts to find a settlement to the Arab-Israeli conflict had been made, including the Middle East Peace Conference initiated at Madrid. Nevertheless, Palestinians were still faced with a situation where a climate of fear, violence and repression characterized their daily lives.

33. In view of the gravity of the situation, his delegation thought that, as a matter of urgency, United Nations machinery should be used effectively to end the festering conflict, thus restoring the basic human rights and fundamental freedoms of which the Palestinian people had long been deprived.

34. Mr. LEMINE (Mauritania) said that the negotiations initiated in October 1991 had so far done little to improve the circumstances of the Palestinian people. The reports before the Commission painted a horrific picture of the Israeli occupation. The Israeli authorities ignored the Fourth Geneva Convention and made no secret of their intent to receive as many Jewish immigrants as possible and settle them in the occupied territories. The intifada continued, and would continue until Jerusalem was recognized as the capital of an independent Palestinian people.

35. However, negotiations to resolve the problem had, at long last, begun and those with influence in shaping Israeli policy should take the opportunity to exert pressure on the Israeli Government to put an end to a situation which was profoundly repugnant to the international community.

36. Mr. BLACKWELL (United States of America) said that the idea of self-determination was universally shared by people of widely different beliefs and cultures. As recent history had demonstrated, it was not a Western concept or a principle that only advanced industrial societies embraced. At its core, self-determination meant that people had the right to choose their own government without threat from any source, whether internal or external. That could be achieved only through the consent of the governed as reflected in democratic institutions, among which a periodically elected legislature was the most basic. Self-determination was not a sanction for bloodshed or the denial of the rights of others.

37. Democracy was an essential condition for the true realization of a people's right to self-determination. Dictatorships, whether of the right or of the left, and totalitarian regimes of any kind were incompatible with that definition of self-determination. The democratic ethos was taking root everywhere, and not just any form of democracy, but true representative democracy with the right to vote in free and genuine elections, freely

participating and competing political parties, the right to freedom of opinion, a free press and other essential institutions and standards. Real self-determination meant nothing less than multi-party democracy.

38. That truth had been repeatedly demonstrated in the former totalitarian countries of Eastern Europe and also in African nations, such as Zambia, which in 1991 had become one of a number of countries that had held multi-party elections.

39. The principle of self-determination was not always easy to implement. While in Europe there has been a number of examples over the past year of the peaceful and successful exercise of the right to self-determination, such as in the Baltic States and the newly independent States of the former Soviet Union, in a few instances conflicts had occurred, especially in areas where there were competing claims by rival ethnic groups. In those more complicated situations, dialogue was essential to ensure that disputes were resolved in a peaceful and constructive way and that the rights of all were protected.

40. There were many ways in which that could be done. The Constitution of the United States, for example, provided for a wide array of free institutions and for the protection of minorities as well as of the majority. The goal was to build a vibrant, energetic democracy in which individuals, interests and organizations participated, sometimes competing as the "loyal opposition". Only in such a society, towards which the United States continued to strive, could the kind of dangerous conflicts seen in all too many countries be overcome.

41. His Government would continue to take an active role in helping to resolve difficult situations, for that was the path most consistent with its tradition. It would help those countries that had embarked upon the path of democracy and self-determination. It had undertaken numerous initiatives to aid the world's new democracies, and many others had emanated from the private sector also.

42. In the case of those nations that continued to fight the trend, among them Cuba, North Korea and Burma, it was the solemn obligation of the Commission to draw the attention of world public opinion to their human rights violations. As President John F. Kennedy had said a generation previously, dictators might destroy the exercise of liberty, but they could not eliminate the determination to be free.

43. Mrs. JOHM (Gambia) said that, despite the promising beginnings represented by the Madrid Conference, there was no sign that the tribulations of the Palestinian people were about to come to an end. The peacemaking process in the Middle East would no doubt prove to be protracted and difficult, but two cardinal issues should be kept to the forefront, namely the security and recognition of Israel as a sovereign State and the establishment of a Palestinian homeland with its own legitimate Government. Peace in the region could not be achieved by violent means, and her delegation therefore appealed to all the parties concerned to refrain from further strife.

44. Her Government was fully convinced that self-determination should be seen as a fundamental right of all peoples. For that reason, it welcomed every attempt to introduce more democratic and representative institutions reflecting the will of people, an endeavour in which the Commission on Human Rights had an important role to play.

45. Mr. AL-FARSY (Observer for Oman) said that the documentation before the Committee clearly illustrated the sufferings of the Palestinian people at the hands of an Israeli Government which continued to act in flagrant violation of international conventions on human rights.

46. Flagrant violations of human rights continued to occur in south Lebanon also, and he hoped that the international community would be able to exert sufficient pressure on the Israeli Government to implement the international agreements which could bring peace to Lebanon and to the Middle East in general.

47. With regard to South Africa, he said that his Government had consistently denounced the concept of apartheid and hoped that the entire system of racial discrimination would soon be eliminated.

48. Mr. SEMICHI (Observer for Algeria) said that, in spite of the recent major changes on the international scene, the human rights situation in the occupied Arab territories had continued to worsen. Despite international condemnation, Israel was still violating with impunity the human rights and fundamental freedoms of the Arab population in the occupied territories, thereby frustrating the prospects for peace, the rule of law, and international legality in the Middle East at a time when a real chance existed for peace in other parts of the world.

49. Reports prepared by United Nations bodies and by other organizations all highlighted the tragic fate of the Palestinians and other Arab populations of the Syrian Golan and south Lebanon under Israeli military occupation. For instance, the twenty-third report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/46/522) concluded that, if the region was to be spared another major explosion, the international community must intensify its efforts to convince Israel to put an end to its violent and discriminatory practices, which affected all sectors of the occupied Arab populations.

50. The unspeakable suffering to which the Arab population of the occupied territories was subjected had been aggravated by the serious economic and social consequences of repeated and prolonged curfews, the demolition of houses, confiscation of property, expropriation of land and other collective punishments. Moreover, the Israeli settlers were benefiting from the collusion of the occupying authorities and were authorized to shoot at suspects. It was all too common for Israeli civilians convicted of murder or other attacks on Arabs to be sympathetically treated by the occupying authorites, whereas, in the case of Arabs, thousands of persons, including minors, were imprisoned in inhuman conditions on the mere suspicion of belonging to the Palestine Liberation Organization.

51. Even more serious was the deportation of Palestinians by the Israeli authorities in flagrant violation of the provisions of the Fourth Geneva Convention. That practice of deportation was being resumed precisely at a time when Arab lands were being acquired by force and an increasing number of Jewish settlers, mainly from Eastern Europe, were being installed in the occupied territories at an accelerating pace.

52. In the face of the alarming deterioration in the human rights situation in Palestine, the Golan and south Lebanon and the stubborn refusal of Israel to take the path of peace evidenced by its rejection of any serious negotiation with the authentic and universally recognized representatives of the Palestinian people, the international community could no longer remain content with verbal condemnations. Determined pressure should be brought to bear on Israel to put an end to its violent and expansionist policy and to respect international law. The international community, in particular, must guarantee the protection of the Palestinian and other Arab populations under occupation and take practical steps to ensure the restoration of their fundamental and inalienable rights.

53. Algeria, which unswervingly supported the struggle of the Palestinian and other Arab populations for the recovery of their rights and their usurped land, wished to reaffirm the imperative need to restore the legitimate rights of the Palestinian people, including their right to self-determination and an independent State, if a just, comprehensive and lasting settlement of the Middle East conflict was to be secured.

54. Mrs. RISHMAWI (International Commission of Jurists) said that her organization, consistent with its stand that conflicts should be resolved by peaceful and legal means, welcomed the progress made in Madrid, Washington and Moscow to bring the parties to the Middle East conflict to the negotiating table. While agreeing that all parties should encourage the current peace process, it firmly believed that asserting the need to respect the principles of international law could not but enhance peace and stability in that troubled region.

55. Even as the peace negotiations proceeded, however, the human rights situation in the occupied territories continued to deteriorate. Deportations, prolonged curfews, house demolitions and other forms of illegal punishment continued to characterize Israeli practices in the West Bank and Gaza Strip. Moreover, Israel had intensified its settlement policy and had increased the total area of confiscated land to more than 69 per cent of the occupied territories. Efforts in the current peace talks to put an end to further settlement had so far been fruitless.

56. While States continued to assert their opposition to the Israeli settlement policy, their words were not being translated into deeds. Financial and technical assistance, trade relations, and cultural exchanges continued to be provided to Israel without linkage to its settlement policy. On 26 January 1992, for example, the Israeli Minister of Health had said that the United States would allow Israel to continue a "massive" settlement building programme in the West Bank and Gaza, offering a compromise over the US$ 10 billion sought by Israel in loan guarantees to absorb Soviet immigrants

and allowing Israel to go ahead with existing building projects in the settlements. Those statements had not been contradicted by the United States Government.

57. Similarly, the proposed fourth Protocol relating to Financial Cooperation between the European Community and the State of Israel contained no provision precluding the use by Israel of Community credits supplied in conjunction with the Protocol to projects, including settlements, in the occupied territories. Under Israeli law, agencies charged with implementing development investment treated the occupied territories as an integral part of Israel's national territory and provided maximum grant and loan guarantee incentives to Israeli firms establishing settlement-related productive ventures in the West Bank and Gaza Strip. Her organization was concerned that, in the absence of provisions in the Protocol explicitly barring Israel from using its privileges in connection with the settlements, the Israeli Government would seek to apply development investment funds in accordance with its own priorities, which would be inconsistent with the Community's stated opposition to the settlements.

58. While there was no need to enter into a sterile debate on the legality of the settlements, the consequences of their illegality should be explicitly stated, with regard not only to Israel but also to third parties. Indeed, article 1 of the Fourth Geneva Convention imposed an obligation on States not only to respect the Convention but also to ensure respect for its provisions.

59. In the circumstances, it would be particularly pertinent to obtain an advisory opinion from the International Court of Justice on the legal consequences for States arising from Israeli settlements. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had prepared a draft resolution to that end for adoption by the Commission on Human Rights and transmission to the Economic and Social Council (E/CN.4/1992/2, draft resolution X).

60. The International Commission of Jurists, urged the Commission on Human Rights to adopt that draft resolution. In the United Nations Decade of International Law, law had to be given a chance. Conflict resolution could not be determined only by power relationships and must be based on principles of law and justice. The Commission on Human Rights had both the opportunity and the duty to make clear its operational commitment to international law.

61. Ms. BERGEN (Women's International League for Peace and Freedom) said that, while the world awaited the outcome of the Middle East peace talks, Palestinians in the West Bank and Gaza Strip continued to suffer the atrocities of Israeli military occupation. Indeed, life under Israeli military rule had noticeably deteriorated since the peace talks began.

62. Her organization had recently received a press release from the Coordinating Committee of International NGOs (CCINGO) concerning the deteriorating situation in the occupied territories. The recently imposed night-time curfew and roadside ban had inhibited the movement of most of the Palestinian population of the West Bank and Gaza after 5 p.m. The situation had been compounded by increasing harassment of both Palestinian institutions and international bodies.

63. The Palestine Human Rights Information Centre (PHRIC) had been documenting human rights violations in the West Bank and Gaza Strip since 1986, by obtaining eye-witness testimonies and medical reports. In addition, it collected documentation on killings and other deaths where the direct responsibility of the Israeli authorities could not be assessed on account of insufficient evidence. Since the intifada began, 1,001 Palestinians, including many children under the age of 16 years, had been killed by the Israeli occupying forces.

64. PHRIC had also documented a total of 66 killings by undercover units since their establishment was first announced in August 1989. The last seven such killings followed a characteristic pattern, including the prior identification of the victim, sometimes by local collaborators, firing on the victim without warning in the manner of an ambush, and subsequent claims by the military that the victim had been shot while attempting to escape, had been a member of a military cell, or had been engaged in suspicious activity.

65. PHRIC further reported that, since the intifada began in December 1989, Israel had expelled 66 persons from the West Bank and Gaza for "security reasons". The expulsion orders had been announced in six waves, each wave timed to respond to political events. None of those deported had been formally accused of violating Israeli military law and alleged evidence against them had been kept secret during their procedural appeals in the military committee and in the High Court. In addition, the Israeli military authorities had forcibly expelled Palestinians who had sought and been denied the right to reside with their familiies in the occupied territories.

66. While the number of administrative detentions had steadily decreased in 1991, the majority of those currently remaining in prison had served multiple sentences under harsh conditions. More than 14,000 Palestinians were currently held in Israeli military detention centres and civilian-administered prisons. Physical conditions inside the prisons had deteriorated sharply during the previous year, due to cuts in food and clothing rations. Physical abuse of detainees was routine and PHRIC had also documented in 1991 the use of electric shock torture during interrogations in Hebron prison.

67. Under Israeli military law, the house of a person suspected of a military offence could be destroyed and, since the intifada began, a total of 2,059 persons had been rendered homeless in that way. With a virtual freeze on Israeli licensing of Palestinian construction, houses were therefore built without permits, thereby rendering them liable to demolition. The seizure of houses under various pretexts - military reasons, fraudulent sale, tax and inheritance trickery, "absentee" property - had been more frequent in 1991, particularly in Palestinian neighbourhoods in Jerusalem.

68. Since the beginning of the intifada, PHRIC had documented the confiscation of more than 347,798 dunams of land and the uprooting of more than 128,364 trees. Meanwhile, the illegal establishment of new settlements and the expansion of existing ones continued, thereby giving Israel current control of over 70 per cent of the West Bank.

69. The Women's International League for Peace and Freedom was concerned for the safety and well-being of all the peoples of the Middle East, but it was currently particularly concerned about the protection of the Palestinians in the Israeli-occupied territories. A political solution must be found to the Palestinian question within the framework of the relevant United Nations resolutions. Until such time as those resolutions were enforced, her organization called upon the United Nations to replace the Israeli occupying forces by a peace force of its own.

70. Ms. AULA (International League for the Rights and Liberation of Peoples) said that, while her organization welcomed the initiation of the Middle East peace talks, which it considered to be the indirect recognition by the United States Government of the right of the Palestinian people to self-determination, it regretted the fact that the United Nations, whose various resolutions on the Palestinian question represented a source of law, had not been associated with the Conference.

71. Among the many obstacles which could derail a solution to the conflict, there were two of particular concern to her organization: the deportation of Palestinians by Israel and settlement in the occupied territories.

72. The first was a practice that had been condemned by the Security Council in six different resolutions since the start of the intifada. In the most recent of those resolutions, adopted unanimously on 6 January 1992, the Security Council recalled that the Fourth Geneva Convention, which forbade the practice, applied to all the Palestinian territories occupied since 1967, including Jerusalem.

73. The second area of concern was the intensification of settlement building even as the peace talks were being held. According to official figures, the Israeli Government had commenced the construction of 6,435 dwellings during the first nine months of 1991 as against 1,820 for the whole of 1990. The aim of that policy was to create a fait accompli by establishing a network of settlements in the occupied territories which, Israel would later assert, was impossible to dismantle. An end to that settlement policy was therefore a sine qua non for a successful outcome of the Conference.

74. Her organization had confined itself to just two of the many practices, all of which had been condemned by the international community, that constituted obstacles to the successful outcome of the Conference. She hoped that the Commission on Human Rights would add its voice to the general condemnation.

75. Mrs. PURI (India), speaking in exercise of the right of reply, said that the fallacious comments by the representative of Pakistan about a part of India did not serve the cause of good neighbourly relations between Pakistan and India, to which her Government was deeply committed.

76. The right to self-determination had always been taken by the United Nations to apply to non-self-governing territories and not to integral parts of sovereign and independent States. The delegation of Pakistan's

application of the right of self-determination to constituent units of sovereign States could not but undermine the principle of the territorial integrity of sovereign States and was thus a threat to democracy everywhere.

77. The state of Jammu and Kashmir was an integral part of India. The United Nations resolutions referring thereto had been rendered obsolete by Pakistan's refusal to vacate the territory it had occupied by force of arms and repeated aggressions against India. The people of Jammu and Kashmir, like their compatriots, had regularly participated in free and fair elections and had returned freely elected Governments, which was the touchstone of self-determination. The same could not be said for the unfortunate people in the parts of Jammu and Kashmir occupied by Pakistan or, for that matter, for the people of Pakistan itself.

78. Pakistan was openly interfering in India's internal affairs; in fact, the Government of Pakistan had proclaimed that such interference was part of its official policy and it was thus officially sponsoring terrorism. In fact, many States and prominent individuals had expressed concern at Pakistan's sponsorship of terrorism. There was overwhelming independent evidence to show that Pakistan was infiltrating armed separatists into India, where they were killing civilians, taking hostages and terrorizing the population. In 1991 alone, hundreds of civilians had been killed. As pointed out by the delegation of the United States, self-determination was not a sanction for bloodshed or the denial of the rights of others.

79. Her delegation thus appealed to the delegation of Pakistan not to distract the Commission from its task and to work within the framework of the Simla Agreement towards cooperation and friendship between the two countries.

80. Mr. ZHU Xiao Ming (China), speaking in exercise of the right of reply, said that a reference had been made to the so-called right to self-determination of the Tibetan people. That was a distortion of the very principle of self-determination, which applied to oppressed peoples who sought to free themselves from imperialism and colonialism and to achieve national independence. In accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, the right to self-determination applied to non-self-governing territories and colonies that had not yet achieved independence. Any attempt to destroy the territorial integrity of a country was incompatible with the Declaration.

81. For more than 100 years before 1949, all the peoples of China, including the Tibetans, had been the victims of imperialism, their human rights violated. Since 1949 they had enjoyed their human rights, the feudal system of serfdom having been abolished. The idea of self-determination for Tibetans was being promoted by a small group of separatists in Tibet, in blatant violation of international law. Such a situation was intolerable for any sovereign State.

82. Mr. ILICAK (Observer for Turkey), speaking in exercise of the right of reply, said that the representative of the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) had alleged that

Turkey was committing human rights violations against the Kurds. He wished first of all to stress that all citizens of the Republic of Turkey were equal before the law, without regard for their ethnic origins, and all enjoyed the same political, economic, social and cultural rights. Turkish citizens of Kurdish origin were able to speak their language freely and, several months previously, three Kurdish language newspapers had begun publishing. Some 20 deputies had been elected during the last legislative elections as members of a party founded primarily to protect the interests of Turkish citizens of Kurdish origin. There were ministers, generals, ambassadors, scientists, businessmen and artists of Kurdish origin in Turkey.

83. The representative of the NGO in question had ignored the violence perpetrated by the terrorist group PKK and had even accused Turkey of passing over in silence the proposals made by Mr. Ocalan, the leader of that group, which had committed numerous crimes, including the murder of hundreds of civilians. Turkey would never negotiate with terrorists, regardless of the circumstances, but would continue to combat them with all the means at its disposal. Statements of the type made by the representative of FEDEFAM only encouraged terrorists and served to increase the number of victims, without making any contribution to the promotion of basic human rights.

84. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, said that the representative of India had made some baseless allegations of interference by Pakistan in the current uprising in Jammu and Kashmir. Objective reports by scores of foreign journalists, and indeed, by Indian human rights organizations, had shown that the Kashmiri struggle was an indigenous one. The Indian representative's charges were aimed at diverting world attention from the brutal acts of oppression carried out by Indian security forces in their vain attempt to crush the aspirations of the Kashmiri people to exercise its right to self-determination.

85. His Government had repeatedly proposed the setting up, under the auspices of the United Nations, of a panel of neutral countries to investigate Indian allegations of Pakistani interference, but India had repeatedly rejected that offer. By claiming that the Kashmir dispute did not exist and that Kashmir was an integral part of India, the Government of India was disregarding the relevant United Nations resolutions stating that Kashmir was a disputed territory and that its status should be decided by a plebiscite.

86. The representative of India had made inappropriate references to internal events in Pakistan that were irrelevant to the issue at hand. No doubt she had forgotten to mention how the rights of minorities were trampled upon in India.

87. At issue was the fundamental right of the people of Kashmir to self-determination. India must cease its repressive actions in Kashmir, which grossly violated the human rights of the Kashmiri people. Pakistan was committed to finding a peaceful resolution of the future of the disputed territory in accordance with the relevant Security Council resolutions and in keeping with the spirit of the Simla Agreement.

STATEMENT BY THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

88. The CHAIRMAN welcomed the Parliamentary Under-Secretary of State for Foreign Affairs of the United Kingdom and invited him to address the Commission.

89. Mr. LENNOX-BOYD (United Kingdom) said that his Government fully endorsed the points made the previous day by the Foreign Minister of Portugal on behalf of the 12 States members of the European Community. That Minister had referred to some specific country situations. For his own part, he wished to emphasize the bloody and despicable nature of the human rights abuses currently practised in Iraq by a regime which acted in flagrant and cynical disregard of its citizens' most basic human rights. As a gesture of solidarity with the many victims of torture in that country and throughout the world, his Government would contribute £25,000 to the United Nations Voluntary Fund for the Victims of Torture.

90. One way to enhance respect for human rights throughout the world was to focus on the aspect of accountability: Governments, organizations outside the control of Governments, and individuals should all be subject to accountability if they abused human rights. That principle was an essential feature of the creation of a system of international instruments to safeguard human rights.

91. It was entirely fitting, therefore, that the Member States of the United Nations should be subject to an impartial review of the fulfilment of the obligations they had assumed and their compliance with the universal standards that had been set. That task, however, was proving increasingly difficult to perform, and ways would have to be found to enhance the effectiveness of the monitoring system, along the lines suggested by Mr. Alston. Ways should also be found to make the Commission's voice heard outside its formal sessions.

92. Accountability could also be reinforced by public opinion. The speed and scope of modern news media were such that Government's found themselves, at least in the case of democracies, obliged by the reaction of their peoples to respond to situations in which human rights abuses were known to be taking place. Such developments would be impossible without the existence of a vigorous and free press: for that reason, his delegation urged the Commission not to deviate from its duty to promote and protect the right to freedom of expression.

93. The second force at work was that of the non-governmental organizations, whose campaigning and monitoring work continued to grow year by year. Their dedication to uncovering the reality of human rights abuse and awakening public concern had produced a transformation of attitudes in recent years.

94. Failure in accountability could lead Governments to think that they could act with impunity in all their affairs. He had already mentioned the case of Iraq, but wished also to refer to the deplorable situation in Burma, where an

unelected and repressive dictatorship continued to rule through the politics of fear and oppression. The results of free elections had been ignored and a winner of the Nobel Peace Prize had been deprived of liberty and basic human rights for nearly two years.

95. His Government believed that the encouragement of democracy should be among the foremost tasks of the United Nations. The principle of accountability required that the representatives of a country's people be freely elected and able to convey to all those exercising power the real concerns of ordinary people.

96. If societies were not to lose their sense of moral direction, they must find good government, a concept which entailed respect for human rights, accountability and sound economic management. His Government sought to encourage those principles through its programmes of assistance.

97. In conclusion, he expressed the hope that the Commission would continue to serve the cause of human rights and that it would emphasize the importance of accountability as a means of encouraging respect for the rights and dignity of mankind.

98. Mr. ALDOURI (Iraq), speaking in exercise of the right of reply, said that the representative of the United Kingdom had made a most undiplomatic reference to his country. He reminded the Commission that the United Kingdom had made a colony of Iraq between 1917 and 1958. During that period, instead of coming as a liberator, introducing democracy and human rights in Iraq, the United Kingdom had pillaged Iraqi wealth and killed large numbers of civilians, spreading terror and fear.

99. Since 1958, when Iraq had shaken off British hegemony, the United Kingdom's policy towards his country had been motivated by a desire for revenge. That had become evident in 1991 when the United Kingdom had used destructive weapons against Iraq and carried out sabotage, causing the death of thousands of people. It was also evident from the refusal of the Government of that country to lift the economic embargo against Iraq, even though the reasons adduced for imposing that embargo no longer applied.

100. The Government of the United Kingdom had likewise a major responsibility for the sufferings of the Palestinian people and events in Northern Ireland had a similar origin in British machinations.

101. His Government denied the allegations made by the delegation of the United Kingdom. Despite its current difficulties, Iraq was working to improve human rights and spread democracy in the country and was cooperating with the United Nations in that regard.

The meeting rose at 12.40 p.m.